

223.991 Penalties.

- (1) Any person, firm or corporation (municipal or private) who violates any provisions of KRS 223.160 to 223.220 or the rules and regulations adopted thereunder shall be liable to a civil penalty not to exceed the sum of one thousand dollars (\$1,000) for said violation and an additional civil penalty not to exceed one thousand dollars (\$1,000) for each day of operation in violation of KRS 223.160 to 223.220 or of the rules and regulations adopted thereunder. In addition, the person, firm or corporation may be enjoined in the manner set forth in KRS Chapter 224 from continuing such violations.
- (2) Any person who fails to comply with the certification provisions of KRS 223.425 shall be liable for a civil penalty of not less than two thousand five hundred dollars (\$2,500) and not more than five thousand dollars (\$5,000) per occurrence, and in addition may be concurrently enjoined from any such violations as hereinafter provided.
- (3) Any person certified under the provisions of KRS 223.425, who violates KRS 223.405 to 223.460 or fails to perform any duties imposed by these sections, or who violates any determination, rule, regulation or order or determination of the secretary promulgated pursuant thereto may be subject to proceedings for certificate suspension or revocation, or nonrenewal of a certificate.
- (4) It shall be the duty of the cabinet to institute an action for the recovery of the penalties herein provided for, and to bring an action for an injunction against any person violating or threatening to violate the certification provisions of KRS 223.425 or violating or threatening to violate any order or determination of the cabinet promulgated pursuant thereto.
- (5) Any person found guilty of violating the certification provisions of KRS 223.425 or the rules and regulations adopted thereunder shall be guilty of a misdemeanor and may be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation or imprisoned not more than thirty (30) days or both. Each day the violation continues shall be considered a separate violation.
- (6) Civil and criminal penalties shall not be deemed mutually exclusive.
- (7) All enforcement proceedings shall be conducted pursuant to KRS Chapter 224, and all certificate revocation and enforcement actions shall be subject to the administrative and judicial procedures contained in KRS Chapter 224.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 26, sec. 1, effective July 12, 2006. -- Amended 1984 Ky. Acts ch. 215, sec. 14, effective July 13, 1984. -- Amended 1976 Ky. Acts ch. 250, sec. 1. -- Created 1966 Ky. Acts ch. 156, sec. 8.